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CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the below date:

Date: September 1, 2005 Name: Marc V. Richards (37,921)

Signature: Marc V. Richards

BRINKS
HOFFER
GILSON
& LIONE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: August J. Borschke et al.

Appln. No.: 10/675,577

Examiner: N/A

Filed: September 30, 2003

Art Unit: 3721

For: Smokable Rod for a Cigarette

Attorney Docket No: 11867/23

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

- ☒ Supplemental Information Disclosure Statement; Form PTO-1449; five cited references;
- ☒ Return Receipt Postcard

Fee calculation:

- ☒ No additional fee is required.
- ☐ Small Entity.
- ☐ An extension fee in an amount of \$_____ for a _____-month extension of time under 37 C.F.R. § 1.136(a).
- ☐ A petition or processing fee in an amount of \$_____ under 37 C.F.R. § 1.17(_____).
- ☐ An additional filing fee has been calculated as shown below:

| | | | | | Small Entity | | | Not a Small Entity | |
|---|-------------------------------------|-------|------------------------------------|------------------|--------------|-----------|----|--------------------|-----------|
| | Claims Remaining After Amendment | | Highest No. Previously Paid For | Present Extra | Rate | Add'l Fee | or | Rate | Add'l Fee |
| Total | | Minus | | | x \$25= | | | x \$50= | |
| Indep. | | Minus | | | x 100= | | | x \$200= | |
| First Presentation of Multiple Dep. Claim | | | | | +\$180= | | | +\$360= | |
| | | | | | Total | \$ | | Total | \$ |

Fee payment:

- ☐ A check in the amount of \$_____ is enclosed.
- ☐ Please charge Deposit Account No. 23-1925 in the amount of \$_____. A copy of this Transmittal is enclosed for this purpose.
- ☐ Payment by credit card in the amount of \$_____ (Form PTO-2038 is attached).
- ☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Date

9/1/05

Respectfully submitted,

Marc V. Richards
Marc V. Richards (Reg. No. 37,921)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: August J. Borschke ET AL.
Appln. No.: 10/675,577
Filed: September 30, 2003
For: Smokable Rod for a Cigarette
Attorney Docket No: 11867/23

Examiner: N/A
Art Unit: 3721

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

In accordance with the duty of disclosure under 37 C.F.R. §1.56 and §§1.97-1.98, and more particularly in accordance with 37 C.F.R. §1.97(b), Applicants hereby cite the following reference(s):

U.S. Patent Documents

| No. | Date of Publication | Patentee/Applicant/Assignee |
|-----------|---------------------|-----------------------------|
| 4,892,109 | 01/09/1990 | Strubel |
| 5,060,667 | 10/29/1991 | Strubel |
| 5,396,911 | 03/14/1995 | Casey, III et al. |
| 5,265,626 | 11/30/1993 | Schneider et al. |

Foreign Patent Documents

| No. | Date of Publication | Country |
|-----------------|---------------------|---------|
| EP 0 378 788 A1 | 07/25/1990 | EPO |
| EP 0 419 974 A2 | 04/03/1991 | EPO |
| EP 0 545 186 A2 | 06/09/1993 | EPO |
| WO 03/020059 A1 | 03/13/2003 | WIPO |

Other Art

International Search Report, dated February 21, 2005, for International Application No. PCT/US2004/031911

Applicants are enclosing Form PTO-1449 (one sheet), along with a copy of each listed reference for which a copy is required under 37 C.F.R. §1.98(a)(2). Although EP 0 378 788 A1 is not in English, its English language equivalent (U.S. 5,265,626) noted in the International Search Report, is cited herein.

Applicants respectfully request the Examiner's consideration of the above reference(s) and entry thereof into the record of this application.

By submitting this Statement, Applicants are attempting to fully comply with the duty of candor and good faith mandated by 37 C.F.R. §1.56. As such, this Statement is not intended to constitute an admission that any of the enclosed references, or other information referred to therein, constitutes "prior art" or is otherwise "material to patentability," as that phrase is defined in 37 C.F.R. §1.56(a).

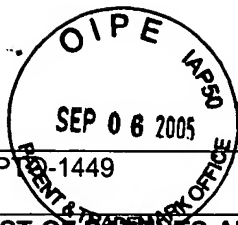
Applicants have calculated no fee to be due in connection with the filing of this Statement. However, the Director is authorized to charge any fee deficiency associated with the filing of this Statement to a deposit account, as authorized in the Transmittal accompanying this Statement.

Respectfully submitted,

Date

9/1/05

Marc V. Richards (Reg. No.37,921)



| | | |
|---|-----------------------------------|---|
| FORM P-1449 | SERIAL NO. 10/675,577 | CASE NO. 11867/23 |
| LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT | FILING DATE September 30, 2003 | GROUP ART UNIT 3721 |
| (use several sheets if necessary) | | APPLICANT(S): August J. Borschke et al. |

REFERENCE DESIGNATION

U.S. PATENT DOCUMENTS

| EXAMINER INITIAL | | DOCUMENT NUMBER <small>Number-Kind Code (if known)</small> | DATE | NAME | CLASS/ SUBCLASS | FILING DATE |
|---------------------|----|--|------------|-------------------|--------------------|----------------|
| | A1 | 4,892,109 | 01/09/1990 | Strubel | | |
| | A2 | 5,060,667 | 10/29/1991 | Strubel | | |
| | A3 | 5,396,911 | 03/14/1995 | Casey, III et al. | | |
| | A4 | 6,265,626 | 11/30/1993 | Schneider et al. | | |

FOREIGN PATENT DOCUMENTS

| EXAMINER INITIAL | | DOCUMENT NUMBER <small>Number-Kind Code (if known)</small> | DATE | COUNTRY | CLASS/ SUBCLASS | TRANSLATION YES OR NO |
|---------------------|----|--|------------|---------|--------------------|--------------------------|
| | A5 | EP 0 378 788 A1 | 07/25/1990 | EPO | | No |
| | A6 | EP 0 419 974 A2 | 04/03/1991 | EPO | | Yes |
| | A7 | EP 0 545 186 A2 | 06/09/1993 | EPO | | Yes |
| | A8 | WO 03/020059 A1 | 03/13/2003 | WIPO | | Yes |

| EXAMINER INITIAL | OTHER ART – NON PATENT LITERATURE DOCUMENTS <small>(Include name of author, title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published.)</small> | |
|---------------------|---|---|
| | A9 | International Search Report, dated February 21, 2005, for International Application No. PCT/US2004/031911 |

| | |
|----------|-----------------|
| EXAMINER | DATE CONSIDERED |
|----------|-----------------|

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.